

Amendments to the Drawings:

Figures 1-4 and 7-17 have been formalized to address the objections raised by the Examiner in the Office Action mailed August 9, 2005. The attached Figures 1-4 and 7-17 replace the original Figures 1-4 and 7-17. For the sake of completeness, Figures 5 and 6, which were not objected to and which replace the original Figures 5 and 6, are also included with the set of formalized figures.

REMARKS

In response to the Office Action of August 9, 2005, claims 1-8, 11, 15-18 and 21-25 have been amended, claims 9, 10, 12-14 and 26-28 have been cancelled without prejudice to their future prosecution and new claims 29-39 have been added. Claims 1-8, 11, 15-25 and 29-39 are currently pending in the present application. Favorable reexamination and reconsideration of the application, as amended, are requested.

I. Drawings Have Been Formalized

The present application was originally filed with colored photographs. The colored photographs have now been converted to formal line drawings. Approval of the formalized drawings is requested.

II. Information Disclosure Statement

The Information Disclosure Statement filed on March 21, 2005 included a Communication regarding an experimental prototype. The Communication was listed on the Form 1449 included with the Information Disclosure Statement. With the Office Action of August 9, 2005, the Examiner returned an initialed copy of the Form 1449. However, the Examiner failed to place his initials adjacent to the Communication regarding the experimental prototype. In this regard, Applicant requests the Examiner to provide an indication that the Communication was considered during the examination process (e.g., by an initialed copy of the Form 1449). If the Examiner needs additional information regarding the Communication, the Examiner is urged to contact the undersigned attorney.

III. Claims 1-8, 15, 16 and 18-25

In the Office Action of August 9, 2005, claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,655,297 to Bourgeois, Jr. Also, claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,044,843 to Holub. These rejections are respectfully traversed. However, in the interest of expediting prosecution, claim 1 has been amended to more clearly define certain aspects of the invention.

Claim 1 now recites that the main body further includes a first channel having a length that extends between the left and right ends of the main body. The first channel includes a top

wall and first and second spaced-apart flanges that extend downwardly from the top wall. The top wall and the first and second flanges extend along the length of the channel member. The first flange of the first channel member is located at the front of the main body and the second flange is rearwardly spaced from the first flange. The first channel member has an opened bottom side.

It is submitted that neither the '297 patent nor the 843 patent has any structure remotely similar to the first channel member that is presently recited in claim 1. In the Office Action of August 9, 2005, the Examiner indicated that it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the channel members with the claimed shapes since it has been held that "there is no invention in merely changing the shape or form of an article without changing its function except in a design patent." *Eskimo Pie Corp. v. Levous et al.*, 3 USPQ 23. It is submitted that the above holding is not applicable to the recited structure of claim 1 since the shape of the first channel member has significant functional aspects. Specifically, in the field of grading, structural integrity and durability are of the utmost importance. Also important is cost. The channel structure recited in claim 1 is designed to be very strong and durable and also can be manufactured in a relatively cost effective manner. Furthermore, the open bottom side of the first channel member provides significant functional benefits because it allows the implement to be readily used to either push grading material in a plow-like manner or to back-drag material in a claw-like manner. Thus, because the configuration of the grading implement recited in claim 1 is not disclosed or suggested by the prior art of record in the present application, and because the recited configuration has significant functional advantages, it is submitted that the invention of claim 1 is not anticipated or rendered obvious by the prior art of record in the present application.

For at least the above-identified reasons, it is submitted that claim 1 is in immediate condition for allowance. Additionally, claims 2-8, 11, 15, 16 and 18-25 depend upon and further limit claim 1. Therefore, for at least the same reasons specified with respect to claim 1, it is submitted that these dependent claims are also in immediate condition for allowance.

IV. Claim 17

Claim 17 has now been rewritten in independent form so as to include the limitations of base claim 1 as well as intermediate claims 15 and 16. In the Office Action of August 9, 2005,

claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,655,297 to Bourgeois, Jr. in view of U.S. Patent No. 6,283,225 to Hermonson. This rejection is respectfully traversed.

For numerous reasons, it is submitted that claim 17 is not anticipated or rendered obvious by the prior art of record in the present application. The '297 patent is a spreader/grader assembly adapted to be coupled to a tractor hitch and pulled behind the tractor (see column 3, lines 27-36). In contrast, the '225 patent discloses a grading device that receives the tines of a skid steer loader so that the loader can push the grading device. Thus, the two prior art graders utilize substantially different types of linkages and work in substantially different ways. This being the case, there is simply no motivation for modifying the device disclosed in the '297 patent to include an adapter having extensions for receiving tines.

Moreover, the claimed adapter includes both a coupler configured to be coupled to a vehicle, and at least a pair of extensions that are received within sleeves mounted to the main body of the implement. Neither the '297 nor the '225 patent discloses an adapter having extensions that are received within sleeves as claimed. For example, while the '225 patent discloses extensions that are hollow, the extensions appear to be welded to the implement and are not received within sleeves mounted to a main body of an implement as claimed. Furthermore, claim 17 further recites that the extensions are hollow and sized to receive tines of the vehicle for allowing the implement to be reverse mounted to the vehicle. Neither the '297 patent nor the '225 patent teaches or suggests reverse mounting a grading implement.

For at least the above-identified reasons, it is submitted that claim 17 is in immediate condition for allowance.

V. Claims 29-39

Claim 29 recites, among other things, a grading implement having a main body including a left end and a right end. The main body includes a length that extends between the left and right ends. The main body further includes a front and a back. A claw blade is positioned at the front of the main body. The claw blade extends between the left and right ends of the main body and includes a front surface for pushing grading material, and a back surface for dragging grading material. End plates are positioned at the left and right ends of the main body. The end plates include portions that extend rearwardly beyond the main body so as to define a volume

behind the main body between the end plates. The volume is adapted for receiving grading material when the implement is moved rearwardly. A rear blade is positioned at the back of the main body. The rear blade has a cutting edge that faces in a rearward direction. A length of the rear blade extends between the end plates. The implement also includes a connection arrangement for coupling the main body of the grading implement to a skid steer loader. A connection arrangement includes means for interfacing with an attachment structure provided on the front lift arms of a skid steer loader.

It is submitted that none of the references of record in the present application teaches or suggests the novel and nonobvious combination of elements recited by claim 29. In the Office Action of August 9, 2005, the Examiner indicated that it would have been obvious to modify the device disclosed in the '297 patent to include a skid steer interface as disclosed in the '225 patent. This assertion is respectfully traversed. As described above with respect to claim 17, the grader disclosed in the '297 patent is a drag behind style grader. There is no teaching or suggestion that it could be readily modified or attached in any way to the attachment structure provided on the front lift arms of a skid steer loader. The grader disclosed in the '297 patent is simply not intended to be used in that way.

For at least the above-identified reasons, it is submitted that claim 29 is in immediate condition for allowance. Additionally, claims 30-39 depend upon and further limit claim 29. Therefore, it is submitted that for at least the same reasons as specified with respect to claim 29, that dependent claims 30-39 are also in immediate condition for allowance.

VI. Size Limitations

A number of the pending claims in the present application relate to size limitations. The Examiner contended that it would have been obvious to one of ordinary skill in the art at the time the invention was made to form the implement with the claimed dimensions, since it has been held that where general conditions of a claim are disclosed in the prior art, covering the optimum or workable ranges involves only a routine skill in the art (see MPEP 2144.05). This assertion is respectfully traversed. First, Applicant disagrees that the general conditions of any of the claims are already disclosed in the prior art. The present invention relates to a unique new type of grading implement that operates in a completely different manner than any of prior art of record in the present application. Moreover, many of the size limitations provide significant operating

advantages designed to address problems not recognized by the prior art. For at least the above-identified reasons, it is submitted that such claims relate to patentable subject matter.

VII. Conclusion

For at least the above-identified reasons, it is submitted that the present application is in immediate condition for allowance and notification to that affect is respectfully requested.

Please direct any inquiries concerning this application to the undersigned attorney at 612.336.4617.



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Respectfully submitted,

MERCHANT & GOULD P.C.

P.O. Box 2903

Minneapolis, Minnesota 55402-0903

612.332.5300

Signed: _____

Name: David G. Schmaltz

Reg. No.: 39,828

DSchmaltz/aml